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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.15532 of 2021
and W.M.P.Nos.16452 & 16454 of 2021

Tamil Nadu Generation and Distribution Limited,
Represented by the Chief Engineer/
Non-Conventional Energy Sources,
144, Anna Salai,
Chennai - 600 002.

... Petitioner

-Vs-

1 Tamil Nadu Regulatory Commission,
4th Floor, SIDCO Coporate Office Building,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

2 Solar Energy Developers Association Salem,
Regd No.188/2018 dated 29.08.2018
No.37, Trichy Main Road, Gugai, Salem - 06.
Represented by its Authorised Signatory
S.Sagayaraju.

... Respondents

[Respondents 2 is impleaded as per order made in W.M.P.No.17483 of 2018 in W.P.No.15532 of 2013 dated 16.08.2021]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certioraified Mandamus, calling for the records pertaining to the issuance of the daily Order dated 29/06/2021 passed in M.P. No. 14 of 2021 on the file of respondent and quash the same and further direct the Respondent to pass Orders on M. P. No. 14 of 2021 15/6/2021 on merits within the time stipulated by this Court.

For Petitioner : Mr.L.Jai Venkatesh

For Respondents: Mr.Abdul Saleem for R1

Mr.R.S.Pandiaraj for R2



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O R D E R

The subject matter of challenge in this writ petition pertains to the Daily Order dated 29.06.2021 passed in M.P.No.14 of 2021 on the file of the 1st respondent.

2. When the matter was taken up for admission on 28.07.2021, this Court passed the following order:

According to the petitioner, Tamilnadu Regulatory Commission, the first respondent herein has imposed a fine of Rs.500/- for each day of default to be recovered from the petitioner which is assailed by the petitioner in the present writ petition.

2. According to the learned counsel appearing for the petitioner, pursuant to the notification, dated 28.6.2021, issued by the first respondent, the petitioner has filed an additional affidavit before the Commission and the same is still pending with the respondent Commission.

3. The learned Standing counsel appearing for the respondent Commission would submit that the petitioner has given an undertaking before the Commission that the process of application will be subject to the outcome of the final order passed in M.P.No.14 of 2021. Therefore, the petitioner cannot agitate the issue before this Court on merit.

4. Mr. Abdul Saleem, takes notice for the sole respondent. The learned counsel appearing for the respondent undertakes before this Court that they will not insist for payment of fine amount till 4.8.2021.

5. Recording the said undertaking, the respondent shall not insist for payment of fine till 4.8.2021. Mr. S.P. Parthasarathy and Rahul Balaji, counsel appearing for individual parties seeks to file an application to implead them as parties.

Post the matter on 4.8.2021.

3. Thereafter, when the matter was taken up for hearing on 15.09.2021, the following order was passed by this Court:

The matter is posted today under the caption for "reporting compliance". The learned counsel appearing on behalf of the Commission submitted that pursuant to the orders passed by this Court, already the draft



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Regulations were published and the objections were called for and it has been received by the Commission. The learned counsel submitted that the Commission is awaiting the decision of the State Advisory Committee and immediately on the receipt of the same, the tariff order will be passed by the Commission.

2. The learned counsel appearing on behalf of the 2nd respondent submitted that the State Advisory Committee was supposed to meet on 14.09.2021 and all of a sudden, the meeting has been put off on the ground that there is a local body election.

3. In the considered view of this Court, the State Advisory Committee has nothing to do with the local body election and they are bound to give their views to the Commission in order to enable the Commission to pass the tariff order. This is more so since this Court had issued a time bound order and the same has to be complied with.

4. In view of the above, the State Advisory Committee is directed to be convened immediately and the views will have to be given to the Commission, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the Commission shall take into consideration all the materials and pass the tariff order, within a period of two weeks thereafter.

5. Post this case under the caption "for reporting compliance" on 08.10.2021.

4. The matter was again taken up for hearing on 08.10.2021 and the following order was passed by this Court:

Pursuant to the orders passed by this Court on 15.09.2021, the matter was again placed before this Court today under the caption "for reporting Compliance".

2. The learned counsel appearing on behalf of the 1st respondent submitted that the State Advisory Committee submitted its views and the same was taken into consideration and regulations have already been framed by the 1st respondent and it will be placed



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before the Government for publishing the same in the Official Gazette. The learned counsel further submitted that thereafter final orders will be passed along with the tariff order. This Court expects the publication of the regulations in the Gazette to be made immediately in order to enable the first respondent to pass final orders. There is an urgency in undertaking this process since it is brought to the notice of this Court that nearly 200 applications are pending and one such application has also been given by the Madras High Court. This Court hopes that the authorities appreciate the urgency involved in this case and the entire process shall be completed as expeditiously as possible.

Post this case under the caption "for reporting compliance" on 25.10.2021.

5. Pursuant to the orders passed by this Court on 08.10.2021, it is submitted by the learned Standing Counsel appearing on behalf of the 1st respondent that the Commission has issued the Regulations dated 20.10.2021 and the tariff order was also passed on 22.10.2021.

6. In view of the above development, the TANGEDCO has to process the applications in line with the tariff order passed by the Commission.

7. The learned Standing Counsel appearing on behalf of the petitioner submitted that the TANGEDCO will follow up with the tariff order passed by the Commission and the applications will be processed at the earliest point of time.

8. Even, when the earlier order was passed by this Court on 08.10.2021, this Court took into consideration the fact that there are nearly 200 applications pending and one such application has been given by the High Court of Madras. Therefore, this Court expects the authorities belonging to TANGEDCO to immediately act upon applications in line with the tariff order and complete the process as expeditiously as possible. In the same way, the fresh applications that are submitted shall also be taken up and decision shall be taken as expeditiously as possible. The pending applications shall be processed and decision shall be taken, within a period of two weeks from the date of receipt of copy of this order.



9.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssr

To

The Tamil Nadu Regulatory Commission,
4th Floor, SIDCO Coporate Office Building,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

+lcc to Mr.Abdul Saleem, Advocate Sr.54811

+lcc to Mr.R.S.Pandiyaraj, Advocate Sr.54582

W.P. No.15532 of 2021
and W.M.P.Nos.16452 & 16454 of 2021

gpl[col]
srg 16/11/2021